

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY AND  
NATIONAL UNION FIRE INSURANCE COMPANY  
OF PITTSBURGH,

Plaintiffs

v.

VIRGINIA SURETY COMPANY, INC.,  
Defendant.

CIVIL ACTION  
No. 04-11109 RGS

REQUEST FOR ORAL ARGUMENT ON MOTIONS FOR SUMMARY JUDGMENT AND  
CERTIFICATION UNDER RULE 7.1(A)(2)

Plaintiffs, National Union Fire Insurance Company of Pittsburgh, PA ("National Union") and Lexington Insurance Company ("Lexington") respectfully request the opportunity to present oral argument before the court on their Motion for Summary Judgment.

Below-signed counsel hereby certifies that the parties have conferred in good faith pursuant to Local Rule 7.1(A)(2) regarding the issues in Plaintiffs' Motion for Summary Judgment.

Dated: September 29, 2006

Respectfully submitted,  
Defendants, ***Lexington Insurance Company and  
National Union Fire Insurance Company of  
Pittsburgh, PA.***

by their attorneys,

/s/ Gerald S. Frim

Mark E. Cohen [BBO #089800]

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### **CERTIFICATE OF SERVICE**

I, Gerald S. Frim, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 29, 2006.

**Dated:** September 29, 2006

/s/ Gerald S. Frim

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Gerald S. Frim

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